

# **EXHIBIT 3**

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1 UNITED STATES DISTRICT COURT  
2 FOR THE EASTERN DISTRICT OF MICHIGAN  
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4 FARM BUREAU MUTUAL INSURANCE  
5 COMPANY OF MICHIGAN, a Michigan  
6 Corporation, a/s/o New Flevo Dairy, Inc.,  
7 Plaintiff,

8 v Case No. 2:17-cv-14044  
9 HON. BERNARD A. FRIEDMAN

10 CNH INDUSTRIAL AMERICA, LLC d/b/a  
11 NEW HOLLAND AGRICULTURE, a Wisconsin  
12 Corporation,  
13 Defendant.

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15 /

16  
17 The Deposition of ALFREDO BERNAL,  
18 Taken at 9717 Forrister Road,  
19 Adrian, Michigan 40221,  
20 Commencing at 11:51 a.m.,  
21 Tuesday, July 31, 2018  
22 Before Diane H. Draugelis, CER-2530.  
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1           like, oh, wow, this is really dirty when you went to  
2           clean it.

3    A.    No, not really. I mean I just always clean it, you  
4           know.

5    Q.    Okay. So he doesn't remember one way or the other?

6    A.    It wasn't dirty dirty, but I just always clean it.  
7           Like if they were to send me right now to go to use a  
8           tractor right now, I'd clean it. And even if someone  
9           else came and brought it in, they checked, they totally  
10          checked it, I still like to check it myself.

11   Q.    Besides this fire that we're here to talk about, have  
12          you witnessed any other fires on Flevo Dairy Farm?

13   A.    The only one I can remember is that one. I can't  
14          really remember any other ones.

15   Q.    Let's go ahead and talk about what you saw. Tell me  
16          when you first noticed that something was wrong.

17   A.    I got the smell of plastic inside of the cabin.

18   Q.    Okay. What did you notice next?

19   A.    So I basically I got out and, you know, it smelled like  
20          it's burning, something is burning, and then I got back  
21          in and I smelled like more something was burning and  
22          then I just parked it.

23   Q.    When you got out the first time to check, did you see  
24          any smoke?

25   A.    Not the first time, I didn't see any smoke. I didn't

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1 know. I just -- my equipment was normal. You know,  
2 like sometimes when a car is just having a smell? But  
3 when I got back in, then it was like real strong. But  
4 once I stopped to park it, I mean it didn't take long  
5 for it to catch on fire.

6 Q. When you first smelled the plastic smell in the cabin,  
7 was everything else working normally? Did you lose  
8 power?

9 A. Everything was working fine, was working normal.

10 Q. And then after you got out, then you got back in and it  
11 smelled worse?

12 A. So once I got back in the smell was a lot stronger, so  
13 I just -- I pulled it over and then I got back out and  
14 I looked at it, but by the time I got out and I got  
15 around to looking at it, there was no time to take  
16 anything off because it just basically just caught  
17 fire.

18 Q. Where did you see smoke or flames first?

19 A. Little bit of smoke. There was a lot of smoke -- I'm  
20 sorry -- came out.

21 Q. Okay. Where was the smoke coming from?

22 A. The right side. Where I showed you where that thing  
23 was where the filter was underneath.

24 Q. Can you put an X where the smoke was coming from on  
25 Exhibit 13?